



PATENT

Customer No. 22,852

New Attorney Docket No. 09423.0046-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:

Avigdor LEV

Application No.: 09/923,279

Filed: August 6, 2001

For: RADIATING DEVICE FOR
HYPERTHERMIA

) Group Art Unit: 3739

) Examiner: Michael F. Peffley

) Confirmation No.: 9037

MAIL STOP REISSUE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

REISSUE DECLARATION

I, Avigdor Lev, hereby declare that:

1. My residence, post office address and citizenship are as stated below under my name.

2. I believe I am the original, first, and sole inventor of the subject matter that was claimed in U.S. Patent No. 5,431,648, issued on July 11, 1995, and for which a reissue patent is currently sought on the invention entitled "RADIATING DEVICE FOR HYPERTHERMIA."

3. I have reviewed and understand the contents of this reissue application (Application No. 09/923,279 filed on August 6, 2001), including the original patent claims of U.S. Patent Nos. 5,431,648 and the claims of U.S. Patent No. RE37,315 E, and the changes to the specification and claims filed with (1) the original reissue

application papers on August 6, 2001, (2) the Supplemental Preliminary Amendment filed on November 28, 2001, (3) the Reply to Office Communication filed on December 29, 2004, (4) the facsimile to the examiner dated February 8, 2005, and (5) the Reply to Office Action filed with this Reissue Declaration.

4. I acknowledge the duty to disclose information that is material to the examination of this reissue application in accordance with Title 37, Code of Federal Regulations, § 1.56.

5. I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of Italian Application No. MI91 A 002993, filed November 11, 1991.

6. I believe U.S. Patent No. 5,431,648 to be, through error and without deceptive intent, at least partially inoperative by reason of my having claimed less than I had a right to claim in the patent.


7. An error, which is a statutory basis for reissue, is that I unnecessarily limited the scope of patent protection to which I was entitled. Claim 1 of U.S. Patent No. 5,431,648 does not cover the full breadth of my disclosed invention, and I erred by not pursuing during the original prosecution additional, broader claims, such as those currently pending in this reissue application. For example, my patent protection provided by claim 1 of U.S. Patent No. 5,431,648 need not be limited to a device including multiple thermocouples. In addition, claim 1 of U.S. Patent No. 5,431,648 does not protect the combination of a catheter, an antenna situated at a distal portion of the catheter, a central channel, side channel, and at least one side branch, and at least one temperature sensing device, as recited in pending claim 2 of this reissue application. The first reissue of U.S. Patent No. 5,431,648 (U.S. Patent No.



RE37,315 E) does not include a claim that recites the particulars of claim 2 of this reissue application, and thus did not correct this error in U.S. Patent No. 5,431,648.

8. All errors being corrected in this reissue application up to the time of filing the present Declaration arose without any deceptive intention on my part.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Avigdor Lev

Date:

23/June/2005

Citizenship: Israel

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